

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

WORCESTER, ss.

In re:

WESTBOROUGH SPE LLC,

Debtor.

Chapter 7

Case No. 23-40709-CJP

ORDER TO MODIFY THE AUTOMATIC STAY

Upon consideration of the Motion for Relief from Automatic Stay filed by Alleged Debtor, Westborough SPE LLC ("WSPE"), and the supporting documents, it is hereby ORDERED as follows:

1. The automatic stay imposed under 11 U.S.C. § 362 is hereby modified for the sole purpose of allowing WSPE to commence legal action in the California Superior Court, Sacramento to recover unclaimed funds.
2. WSPE is further granted permission to continue its civil action Case number 4:2023cv12017 currently pending in the United States District Court for the District of Massachusetts, seeking declaratory and other relief against the Town of Westborough.
3. The foregoing modification of the automatic stay is granted in accordance with Section 362(d)(1) of the Bankruptcy Code, as WSPE has demonstrated "cause" for such relief, and it will result in a partial or complete resolution of related claims.
4. This modification shall not prejudice the interests of any creditors, as WSPE has not refused to pay its debts. The proceedings in the California Superior Court and the Massachusetts District Court will not interfere with the administration of the bankruptcy estate.
5. This modification of the automatic stay serves the interests of judicial economy and the expeditious and economical determination of litigation for the parties.
6. The bankruptcy court shall be relieved from handling matters that may be appropriately handled in the respective chosen forums for litigation.

IT IS SO ORDERED.

Honorable Christopher J. Panos
United States Bankruptcy Judge

Date: _____